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MADE JS-6

Attorneys for the Secretary

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HILDA L. SOLIS,
Secretary of Labor,
United States Department of Labor,
Plaintiff,
v.
KANG HEE CHONG, Individually and as
Managing Agent of JY FASHIONS, INC.,
Defendant.

) Case No. CV: 10-3043 GW (SSx)

) **CONSENT JUDGMENT**

A. The Secretary has filed a Complaint alleging that defendant Kang Hee Chong (“Defendant”), individually and as managing agent of JY Fashions, Inc. (“Firm”), violated provisions of Sections 6, 7, 11, 15(a)(1), 15(a)(2), and 15(a)(5), 29 U.S.C. §§ 206, 207, 211, 215(a)(1), 215 (a)(2), and 215(a)(5), of the Fair Labor Standards Act of 1938, as amended (“FLSA”).

B. Defendant has appeared and, after having been advised by the Secretary of the right to retain the assistance of counsel, acknowledges receipt of a copy of the Complaint.

C. Defendant waives issuance and service of process and waives answer and

1 any defenses to the Complaint.

2 D. The Secretary and Defendant waive Findings of Fact and Conclusions of
3 Law, and agree to the entry of this Consent Judgment in settlement of this action, with-
4 out further contest.

5 E. Defendant admits that the Court has jurisdiction over the parties and subject
6 matter of this civil action and that venue lies in the district court for the Central District
7 of California.

8 F. Defendant has remitted back wages, in the amount of \$30,000.00, that were
9 found due to the Firm's employees and assessed against Defendant for Defendant's vio-
10 lation of the minimum wage and overtime provisions of the FLSA. Said back wages
11 have been, or will be, distributed to said employees.

12 It is therefore, upon motion of the attorneys for the Secretary, and for cause
13 shown,

14 ORDERED, ADJUDGED, AND DECREED that defendant Kang Hee Chong, her
15 officers, agents, servants, and employees, and those persons in active concert or partici-
16 pation with her who receive actual notice of this order, by personal service or otherwise,
17 be, and they hereby are, permanently enjoined and restrained from violating the provi-
18 sions of Sections 6, 7, 11, 15(a)(1), 15(a)(2) and 15(a)(5) of the FLSA, 29 U.S.C.
19 §§ 206, 207, 211, 215(a)(1), 215(a)(2), and 215(a)(5), in any of the following manners:

20 1. Defendant shall not, contrary to Section 6 of the FLSA, 29 U.S.C. § 206,
21 employ any employee who in any workweek is engaged in commerce or the production
22 of goods for commerce, within the meaning of the FLSA, at wage rates less than \$7.25
23 an hour (or less than the applicable minimum rate as may hereafter be established by
24 amendment to the FLSA).

25 2. Defendant shall not, contrary to Section 7 of the FLSA, 29 U.S.C. § 207,
26 employ any employee who in any workweek is engaged in commerce or the production
27 of goods for commerce, within the meaning of the FLSA, for a workweek longer than 40
28 hours unless the employee is paid at a rate of time and one-half the employee's regular

1 rate for all hours worked in excess of 40 hours in a workweek.

2 3. Defendant shall not fail to make, keep, make available to authorized agents
3 of the Secretary for inspection, transcription, and/or copying, upon their demand for
4 such access, and preserve records of employees and of the wages, hours, and other con-
5 ditions and practices of employment maintained, as prescribed by regulations issued, and
6 from time to time amended, pursuant to Sections 11(c) and 15(a)(5) of the FLSA, 29
7 U.S.C. §§ 211(c) and 215(a)(5), respectively, and the implementing regulations found in
8 Title 29, Code of Federal Regulations, Part 516.

9 4. Defendant shall not, contrary to Section 15(a)(1) of the FLSA, transport,
10 offer for transportation, ship, deliver, or sell in commerce (or ship, deliver, or sell with
11 knowledge or reason to believe that shipment, delivery, or sale in commerce is intended)
12 goods in the production of which any employee has been employed in violation of Sec-
13 tions 6 and/or 7 of the FLSA, 29 U.S.C. §§ 206 and/or 207, respectively.

14 5. Defendant shall not continue to withhold payment of \$3,500.00 in unpaid
15 civil money penalties assessed against Defendant and finally determined, pursuant to au-
16 thority granted in Section 16(e)(2) of the FLSA, 29 U.S.C. § 216(e)(2), for violations of
17 the minimum wage and overtime provisions of the FLSA during the period from No-
18 vember 3, 2007 through November 2, 2009.

19 6. Defendant shall make the civil money penalty payments as set forth on the
20 attached Exhibit 1. Each payment shall have the Firm name and “CMP” written on said
21 payment, payable to the order of the “Wage and Hour Div., Labor.” Each payment shall
22 be delivered on or before the date(s) the civil money penalty payment is due as set forth
23 in Exhibit 1, to the Secretary’s authorized representatives at the following address:

24
25 U.S. Department of Labor, Wage Hour Division
26 918 Wilshire Boulevard, Suite 960
27 Los Angeles, California 90017
28

1 In the event of any default in the timely making of any payment due hereunder,
2 the full amount due under the provisions of this Judgment which then remains unpaid,
3 plus post-judgment interest at the rate of 10% per year, from the date of this Judgment
4 until paid in full, shall become due and payable upon the Secretary's sending, by ordi-
5 nary mail, a written demand to the last business address of Defendant then known to the
6 Secretary.

7 It is further ORDERED that each party shall bear its own fees and other expenses
8 incurred by such party in connection with any stage of this proceeding, including but not
9 limited to attorney's fees, which may be available under the Equal Access to Justice Act,
10 as amended.

11 SO ORDERED.

12 Dated: May 11, 2010


GEORGE H. WU, U.S. District Judge

1 For Defendant Kang Hee Chong

2 Defendant hereby appears, waives any
3 defense herein, consents to the entry of
4 this Judgment, and waives notice by the
Clerk of Court:

6
7 Kang Hee Chong

_____ Date

8
9 For the Secretary:

10 M. PATRICIA SMITH
11 Solicitor of Labor

12 LAWRENCE BREWSTER
13 Regional Solicitor

14 DANIEL J. CHASEK
15 Associate Regional Solicitor

16
17 GRACE A. KIM, Attorney
18 Attorneys for the Secretary
19 U.S. Department of Labor

_____ Date

1 Exhibit 1
2
3

4 Civil Money Penalty Payment Installment Schedule
5
6

Payment No.	Date Due	Amount Due
1	May 15, 2010	\$1,166.67
2	June 15, 2010	\$1,166.67
3	July 15, 2010	\$1,166.66
Total		\$3,500.00